

October 12, 2009

VIA ECFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th St., SW
Washington, D.C. 20554

Re: Notice of Ex Parte Communication; National Broadband Plan for Our Future;
GN Docket No. 09-51

Dear Ms. Dortch:

On October 12, 2009, Michael Rees, Senior Vice President of Corporate Development, and Francie McComb, Executive Vice President and General Counsel, of Cavalier Telephone ("Cavalier") met in person at the COMPTEL 2009 Fall Convention and Exposition at the Orlando World Convention Center Marriott in Orlando, Florida with Robert Curtis, Deployment Director of National Broadband Plan and Byron J. Neal, Chief Engineer, National Broadband Plan, as well as FCC staffers via telephone.

The participants discussed why competitive access is key to universal broadband deployment. The discussions were consistent with the attached handout which was distributed at the meeting.

Pursuant to Section 1.1206 of the Commission's rules, a copy of this letter is being filed via ECFS with your office. Please contact me at femccomb@cavtel.com if you have any questions about this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Fm", written over a horizontal line.

Francie McComb, Esq.

cc: Robert Curtis, FCC
Byron Neal, FCC
Michael Rees



National Broadband Plan

Cavalier Telephone

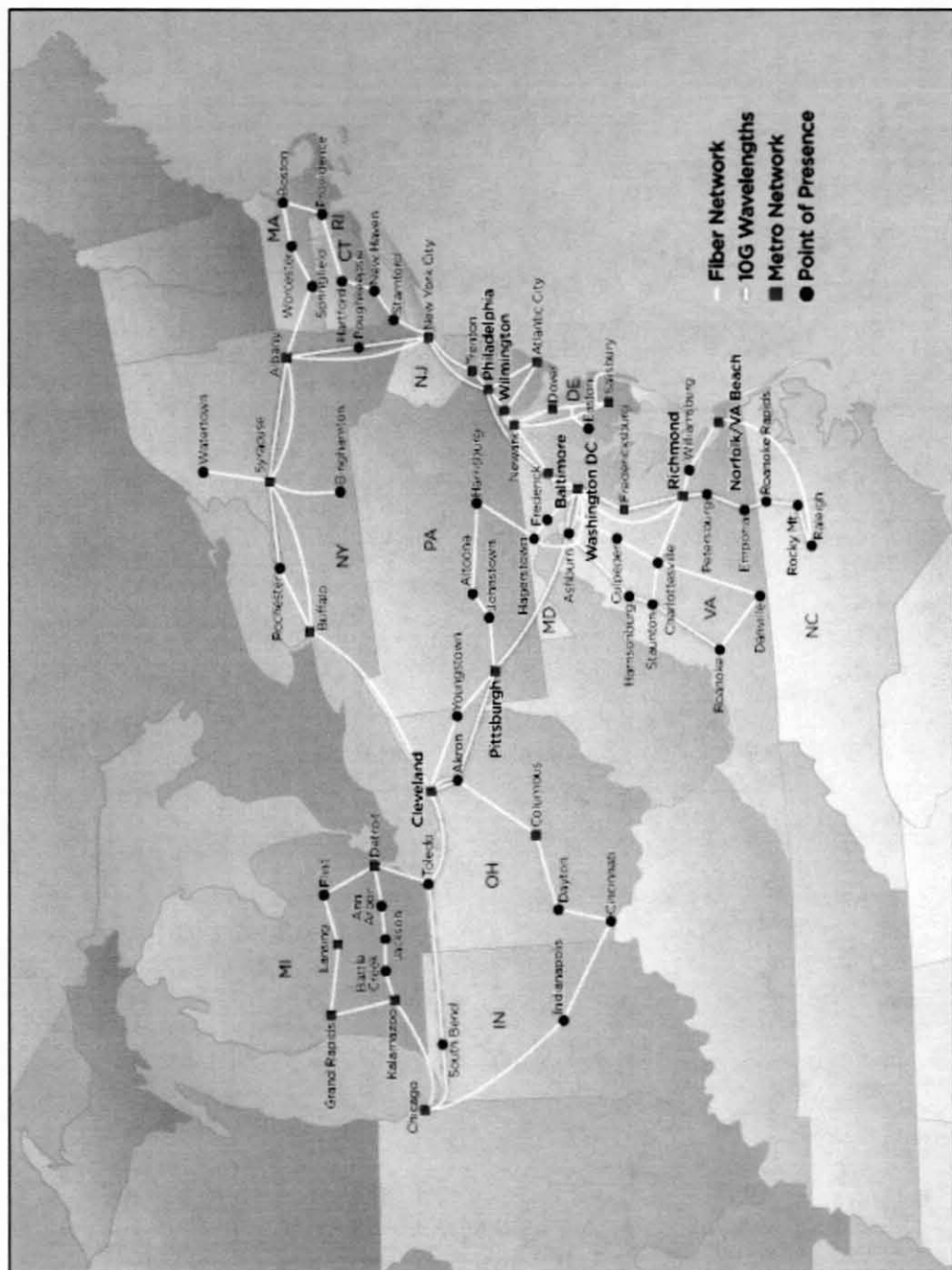


Who we are

- **Residential and Small Business Provider**

- Largest CLEC in Virginia, Pennsylvania, and Michigan
- Fiber optic network spanning 17,000 route miles, the company serves hundreds of thousands of customers throughout the Mid-Atlantic, Midwest, and Southeastern United States.

Where we serve





Broadband At Risk

- Unbundled DS0 loops and cost effective last mile connectivity vital for national broadband plan
- Innovation over copper pair not possible via resale or special access
- Innovative suppliers like Cavalier dependent on two wire copper pair (DS0)



Residential

- Residential marketplace abandoned by most carriers
- Residential different than commercial
- No contracts
- Credit challenges
- The cable – ILEC duopoly/wireless offerings ignore underserved



Ensure Last Mile Access

- The majority of Americans continue to need wireline services for broadband access
- Copper loops are ubiquitously deployed
- Copper loops are available in all residential locations
- New technology brings greater bandwidth over copper



Ensure competition

- Bottleneck facilities include loops, transport, and collocation
- In most cases, no alternative exists
- Institute reasonable "Sec. 271" rates for delisted elements
- Oversee of special access rates
- Eliminate monopoly bottlenecks
 - Reasonable access to copper and other bottleneck facilities



Copper Retirement

- Small Business
 - CLECs provide main source of competitive choice for businesses -
- not cable or wireless
 - Cavalier's service provided via copper
 - We have the true innovative products
- Residential
 - Price and credit sensitive
 - Cable services are often located in urban core



Products over copper

- Copper supports innovative products
 - T1s
 - Ethernet over copper
 - IPeer™ HPBX
 - Enterprise Express: MPLS
 - Business Class DSL



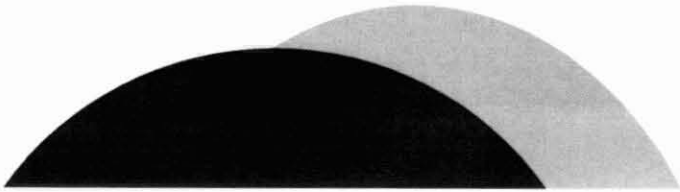
FCC Action

- US Broadband Policy should protect underserved populations, Including:
 - Residential
 - Small Business
 - Companies investing in fiber
- US Broadband Policy should disallow actions threatening to destroying broadband
 - ILEC copper retirement
 - ILEC anticompetitive behavior



Conclusion

- US customers will benefit from innovative products
- Residential customers will benefit from higher speed and lower cost business-class broadband services
- Such customers should not be left behind with respect to broadband options: Home broadband encourages improved employment opportunities, education and health benefits.
- The US will maintain its competitive position in the global economy



Thank You